THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :18024 of 2005

Dt:23.08.2005

Between:

Dr.Y.Jaipal Reddy.

.. Petitioner

and

Government of A.P., and others.

.. Respondents

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :18024 of 2005

ORDER: (Per the Hon'ble Smt.Justice T.Meena Kumari)

This writ petition is filed challenging the order, dated 05.07.2005, in O.A.No.2746 of 2005, which was disposed of along with O.A.No.2690 of 2005 and batch on the file of the Administrative Tribunal, Hyderabad.

The only grievance of the petitioner in this writ petition is that he has been reverted from the post of Professor of Ophthalmology to the post of Associate Professor of Ophthalmology and thereafter to the post of Civil Assistant Surgeon on the ground that his case fall under G.O.Ms.No.502, Health, Medical and Family Welfare (A1) Department, dated 13.09.2003

Though on behalf of the petitioner it was contended that the case of the petitioner does not fall under G.O.Ms.No.502, dated 13.09.2003 and hence reversion should not be effected, the Tribunal disposed of the O.A., directing the applicants to make a detailed representation ventilating their grievances to the respondents, within two weeks from that day and respondents 1 and 2 were directed to consider and pass appropriate orders on such representations, if any, within four weeks thereafter, in accordance with law. Aggrieved by the same, the petitioner filed this writ petition.

The learned counsel for the petitioner contended that the observation, that has been made by the Tribunal even before the Government filed its counter, to the effect that the petitioner has not fulfilled nine years experience in the feeder categories, itself goes to show that the order has been passed on merits. It is also further contended that most of the applicants, including the petitioner herein, are not covered under G.O.Ms.No.502 and hence their cases have to be dealt with independently.

In view of the facts and circumstances of the case and in view of the fact that the Tribunal, without going into the merits of the case, has made an observation with regard to the eligibility of the petitioner, We deem it appropriate to set aside the Order, dated 05.07.2005, passed in O.A.No.2746 of 2005, and remand the matter to the Tribunal for its fresh consideration in accordance with law, on its own merits. The respondents herein are directed to file their counter in the above said O.A., within two weeks from today and the Tribunal is also directed to dispose of the same on its

own merits on or before 31.10.2005.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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(T.MEENA KUMARI,J

Dt:23.08.2005

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P.LAKSHMANA REDDY,J)

Kdl/ksld